

REMARKS

Entry of the foregoing amendments and reconsideration and withdrawal of the final rejection is respectfully requested with respect to all of the claims now in the application, (i.e., Claims 8 - 11) in view of the following remarks.

Initially, the Office Action indicates that the drawings filed on May 25, 2007 were received but did not indicate whether they were acceptable or objected to. Written confirmation of the acceptance of the drawings is requested.

As requested by the Examiner, Applicant has corrected the error on page 10, line 7 which incorrectly referred to the analyzing unit 54 as analyzing unit 42. Element 42 is the spectrograph in Figure 2. Applicant has also corrected the error in the specification which stated that the light reflected from the surface of the sample substrate (30) is split by "degree of wavelength" to correctly refer to the light being split according to its wavelength.

In addition, Applicant has amended the claims to correct the error noted by the Examiner and to better clarify the claimed invention. In Claims 8 and 10, the portion of the claim referring to the spectrograph has been amended to claim a spectrograph which splits light according to its wavelength, instead of by the intensity of each wavelength.

the Examiner, as well known in the field, a spectrograph splits light according to wavelength and not by intensity of wavelength, and thus the specification and claims have been corrected. Furthermore, the claims recite an optical measuring device which measures the intensities of the wavelengths of the split reflected light. It is believed that this amendment adds no new matter to the application (See, specification, pg. 9, lines 13-17).

In addition, Applicant has deleted the parenthetical portion of Claims 8 and 10. It is believed that the specification clearly discloses a refraction index dispersion and thus the parenthetical portion is unnecessary in the claims (See, specification, paragraph spanning pg 4- pg 5).

Turning to the 112 rejection, Applicant believes that the amendments to the specification and Claims 8 and 10 obviates the 112 rejection in regard to the portion of the specification reciting that the light is split through the spectrograph by "degree" of wavelength. The specification and claims, as amended, recite the use a spectrograph to split light by wavelength rather than by intensity of wavelength. In addition, Applicant has deleted the parenthetical portion of claims 8 and 10, which renders the 112 rejection, based on indefiniteness, moot. Furthermore, it is believed that the claims, as amended, are not inoperative nor lack utility due to the fact that they now properly recite the function of the spectrograph.

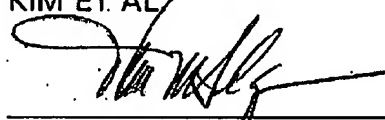
Finally, Applicant has reviewed the cited references, U.S. Patent No. 5,440,141 to Horie and U.S. 2004/0246493 to Kim et al. referred to in the Office Action, but it is not believed that they reflect adversely on the patentability of any claim in the

to Horie and U.S. 2004/0246493 to Kim et al. referred to in the Office Action, but it is not believed that they reflect adversely on the patentability of any claim in the application.

In view of the foregoing, entry of the foregoing amendments, withdrawal of the final rejection and allowance of the claims at an early date is earnestly solicited.

Respectfully submitted,

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